AUTHORIZATION TO DISCHARGE UNDER THE
RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of Chapter 46-12 of the Rhode Island General Laws, as amended,

The City of Newport **43 Broadway** **Newport, RI 02840**	**and**	**United Water Environmental Services, Inc.** **250 Connell Highway** **Newport, RI 02840**

are authorized to discharge from a facility located at

The Newport Pollution Control Plant (Newport WPCP)
250 Connell Highway
Newport, RI 02840,
Washington Street Combined Sewer Overflow (CSO) Facility, and
Wellington Avenue CSO Facility

to receiving waters named

Narragansett Bay - Newport Harbor/Coddington Cove
Water Body ID #: RI0007030E-01B (Newport WPCP)
and RI0007030E-01C (CSO Facilities)

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on _____.

This permit and the authorization to discharge expire at midnight, five (5) years from the effective date.

This permit supersedes the permit issued on September 28, 2007.

This permit consists of 27 pages in Part I including effluent limitations, monitoring requirements, etc. and 10 pages in Part II including General Conditions.

Signed this day of , 2015.

DRAFT

Angelo S. Liberti, P.E., Chief of Surface Water Protection
Office of Water Resources
Rhode Island Department of Environmental Management
Providence, Rhode Island

PART I

A. **EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001A (Newport WPCP effluent at the end of the chlorine contact chamber after dechlorination). Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations						Monitoring Requirement	
	Quantity - lbs./day			Concentration - specify units				
	Average Annual	Average Monthly	Maximum Daily	Average Monthly *(Minimum)	Average Weekly *(Average)	Maximum Daily *(Maximum)	Measurement Frequency	Sample Type
Flow[1]	--- MGD	16.0 MGD	19.7 MGD				Continuous	Recorder
Flow[2]	13.1 MGD	16.0 MGD	30.0 MGD				Continuous	Recorder
Flow[3]	11.7 MGD	--- MGD[4]	30.0 MGD				Continuous	Recorder
BOD_5[5]		2,927 lbs/day	4,879 lbs/day	30 mg/L	45 mg/L	50 mg/L	3/Week	24-Hr. Comp.
BOD_5 - % Removal				85%[6]			1/Month	Calculated
TSS[5]		2,927 lbs/day	4,879 lbs/day	30 mg/L	45 mg/L	50 mg/L	3/Week	24-Hr. Comp.
TSS - % Removal				85%[6]			1/Month	Calculated
Oil and Grease[5]						--- mg/L	1/Month	3 Grabs[7]

[1]Limits shall be in effect from the effective date of the permit until the completion of WPCP upgrades required by the Consent Decree, and any amendments thereto, entered in civil action *Environment Rhode Island, et. al. v. City of Newport*, US Dist. Ct. Dist. of RI, CA 08-265S.

[2]Limits shall be in effect from the date of completion of the WPCP upgrades until completion of implementation of the System Master Plan required by the Consent Decree, and any amendments thereto, entered in civil action *Environment Rhode Island, et. al. v. City of Newport*, US Dist. Ct. Dist. of RI, CA 08-265S.

[3]Limits shall be in effect after the completion of implementation of the System Master Plan required by the Consent Decree, and any amendments thereto, entered in civil action *Environment Rhode Island, et. al. v. City of Newport*, US Dist. Ct. Dist. of RI, CA 08-265S.

[4]The WPCP shall be operated in accordance with standard operating procedures to treat a maximum average monthly flow of 16.0 MGD

[5]Testing for BOD_5, TSS, and Oil and Grease shall be performed and reported for influent and effluent with appropriate allowances for hydraulic detention (flow-through) time.

[6]Percent removal shall be calculated using data obtained during dry weather conditions. Sample results from calendar days in which there is 0.1 inches or more of rain or snow on the ground and the average daily temperature exceeds 32°F, shall not be included in the percent removal calculation.

[7]The three (3) grab samples shall be equally spaced over the course of a twenty-four (24) hour period with one sample collected per shift and a minimum of six (6) hours between samples. Each grab sample must be analyzed individually and the maximum values reported.

Sampling for TSS shall be performed on Tuesday, Thursday, and either Saturday or Sunday. Two (2) of the BOD_5 samples shall be taken at the same time as two (2) of the TSS samples. Sampling for Flow and Oil and Grease shall be performed Sunday – Saturday.

--- Signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall 001A (Newport WPCP effluent at the end of the chlorine contact chamber after dechlorination).

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A. **EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

2. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001A (Newport WPCP effluent at the end of the chlorine contact chamber after dechlorination). Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity - lbs./day		Concentration - specify units				
	Average Monthly	Maximum Daily	Average Monthly *(Minimum)	Average Weekly *(Average)	Maximum Daily *(Maximum)	Measurement Frequency	Sample Type
Enterococci			35 cfu[1] / 100 ml		276 cfu[1] / 100 ml	3/Week	Grab
Fecal Coliform			--- MPN[1] / 100 ml		--- MPN[1] / 100 ml	3/Week	Grab
Total Residual Chlorine (TRC)			590 µg/L[2]		860 µg/L[2]	3/Day	Grab
pH			(6.0 SU)		(9.0 SU)	2/Day	Grab
Settleable Solids				--- mL/L	--- mL/L	1/Day	Grab

[1]Two (2) of the three (3) Enterococci samples are to be taken on Tuesday and Thursday. The Fecal Coliform samples shall be taken at the same time as the Enterococci samples. The Geometric Mean shall be used to obtain the "average monthly" values.

[2] The use of a continuous TRC recorder after chlorination and prior to dechlorination is required to provide a record that proper disinfection was achieved at all times. Compliance with these limitations shall be determined by taking a minimum of three (3) grab samples, equally spaced over a day with a minimum of three (3) hours between grabs, Monday – Friday (except holidays), and on Saturdays, Sundays, and Holidays by taking at least (2) grab samples each day with a minimum of two (2) hours between grabs. The maximum daily and average monthly values are to be computed from the averaged grab sample results for each day. The following methods may be used to analyze the grab samples: (1) DPD Spectrophotometric, EPA No. 330.5 or Standard Methods (18th Edition) No. 4500-Cl G; (2) DPD Titrimetric, EPA No. 330.4 or Standard Methods (18th Edition) No. 4500-Cl F; (3) Amperometric Titration, EPA No. 330.1 or Standard Methods (18th Edition) No. 4500-Cl D or ASTM No. D1253-86(92); (4) Iodometric Direct Titration, EPA No. 330.3 or Standard Methods (18th Edition) No. 4500-Cl B; (5) Iodometric Back Titration (either end-point), EPA No. 330.2 or Standard Methods (18th Edition) No. 4500-Cl C.

---Signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

*Values in parentheses ( ) are to be reported as Minimum/Maximum for the reporting period rather than Average Monthly/Maximum Daily.

Sampling for Settleable solids, pH and TRC shall be performed Sunday – Saturday.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall 001A (Newport WPCP effluent at the end of the chlorine contact chamber after dechlorination).

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3. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001A (Newport WPCP effluent at the end of the chlorine contact chamber after dechlorination). Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity - lbs./day		Concentration - specify units				
	Average Monthly	Maximum Daily	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type
TKN (May 1 – October 31)			--- mg/L		--- mg/L	1/Month	24-Hr. Comp.
Nitrate, Total (as N) (May 1 – October 31)			--- mg/L		--- mg/L	1/Month	24-Hr. Comp.
Nitrite, Total (as N) (May 1 – October 31)			--- mg/L		--- mg/L	1/Month	24-Hr. Comp.
Nitrogen, Total (TKN + Nitrate + Nitrite, as N) (May 1 – October 31)	--- lb/d		--- mg/L		--- mg/L	1/Month	Calculated
Cyanide[1]			--- ug/l		--- ug/l	1/Quarter	Composite[2]
Ammonia, Total[1]			--- mg/l		--- mg/l	1/Quarter	24-Hr. Comp.
Aluminum, Total[1]			--- ug/l		--- ug/l	1/Quarter	24-Hr. Comp.
Cadmium, Total[1]			--- ug/l		--- ug/l	1/Quarter	24-Hr. Comp.
Copper Total[1]			--- ug/l		--- ug/l	1/Quarter	24-Hr. Comp.
Chromium, Hexavalent[1]			--- ug/l		--- ug/l	1/Quarter	24-Hr. Comp.
Lead, Total[1]			--- ug/l		--- ug/l	1/Quarter	24-Hr. Comp.
Nickel, Total[1]			--- ug/l		--- ug/l	1/Quarter	24-Hr. Comp.
Zinc, Total[1]			--- ug/l		--- ug/l	1/Quarter	24-Hr. Comp.

--- signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

[1] Monitoring data may be obtained in conjunction with the bioassay testing required in Part I.C of the permit.

[2] Composite shall be obtained by taking three grab samples per day, spaced over one (1) day with a minimum of three hours between grabs, and preserved immediately upon collection. All three (3) samples shall be composited, then analyzed for available Cyanide.

Samples taken in compliance with the monitoring requirements specified above shall be taken Monday through Friday at the following locations: Outfall 001A (Newport WPCP effluent at the end of the chlorine contact chamber after dechlorination).

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4. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001A (Newport WPCP effluent at the end of the chlorine contact chamber after dechlorination). Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity - lbs./day		Concentration - specify units				
	Average Monthly	Maximum Daily	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type
Mysidopsis bahia LC_{50}[1]					100% or Greater[2]	1/Quarter	24-Hr. Comp.

[1] LC_{50} is defined as the concentration of wastewater that causes mortality to 50% of the test organisms.

[2] The 100% or Greater limit is defined as a sample which is composed of 100% effluent.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations: Outfall 001A (Newport WPCP effluent at the end of the chlorine contact chamber after dechlorination) in accordance with Part I.C. of the permit.

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A. **EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

5. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 010A (Final discharge from the Washington Street CSO Facility). Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity - lbs./day		Concentration - specify units				
	Average Monthly	Maximum Daily	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type
Flow (Volume)		--- MG				Continuous	Recorder
BOD_5[1]			--- mg/L		--- mg/L	Once/Overflow[3]	Composite[2]
TSS[1]			--- mg/L		--- mg/L	Once/Overflow[3]	Composite[2]
Oil and Grease			--- mg/L		--- mg/L	Once/Overflow[3]	Grab
BOD_5 - % Removal[4]			35%[5]			Once/Overflow[3]	Calculated
TSS - % Removal[4]			50%[5]			Once/Overflow[3]	Calculated

[1]Testing for Flow, BOD_5, and TSS shall be performed and reported for influent and effluent with appropriate allowances for hydraulic detention (flow-through) time.

[2]Composite sampling shall consist of hourly grab samples taken for the duration of the overflow.

[3]For monitoring purposes, an overflow is defined as any occurrence of a discharge from a CSO to the receiving water with a minimum duration of 15 minutes. Overflows shall be considered to be separate if they are separated by six (6) or more hours. During months of no overflow DMRs shall be marked as "no discharge." Dry weather overflows, of any duration, are prohibited. Any discharge from a CSO to the receiving water, regardless of the duration, must be reported as a CSO to the DEM's Operations and Maintenance Program.

[4]Percent removal shall be computed using the formula in Part I.B.2 of the permit.

[5]All flows created by the greater than the one (1)-year six (6)-hour storm (depth = 1.95 inches), and all storms occurring less frequently as defined by Attachment A-7, are not subject to these limitations.

---Signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations: Outfall 010A (Final discharge from the Washington Street CSO Facility).

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A. **EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

6. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 010A (Final discharge from the Washington Street CSO Facility). Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity - lbs./day		Concentration - specify units				
	Average Monthly	Maximum Daily	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type
Enterococci[3,5]			--- cfu / 100 mL		--- cfu / 100 mL	Once/Overflow[2]	Composite[1]
Enterococci[4,5]			35 cfu[6] / 100 mL		276 cfu[6] / 100 mL	Once/Overflow[2]	Composite[1]
Fecal Coliform[5]			--- MPN / 100 mL		--- MPN / 100 mL	Once/Overflow[2]	Composite[1]
Total Residual Chlorine (TRC)[3,5]			--- ug/L		--- ug/L	Once/Overflow[2]	Composite[1]
Total Residual Chlorine (TRC)[4,5]			--- ug/L		20 ug/L[6]	Once/Overflow[2]	Composite[1]

[1]Composite sampling shall consist of hourly grabs taken during the first 4 hours of each overflow and subsequently once every 24 hours for the duration of the discharge. The Geometric Mean of the Enterococci and Fecal Coliform data shall be reported as the "average monthly" values.

[2]For monitoring purposes, an overflow is defined as any occurrence of a discharge from a CSO to the receiving water with a minimum duration of 15 minutes. Overflows shall be considered to be separate if they are separated by six (6) or more hours. During months of no overflow DMRs shall be marked as "no discharge." Dry weather overflows, of any duration, are prohibited. Any discharge from a CSO to the receiving water, regardless of the duration, must be reported as a CSO to the DEM's Operations and Maintenance Program.

[3]Limits shall be in effect from the effective date of the permit until the completion of the Washington Street CSO Facility Dechlorination improvements required by the Consent Decree, and any amendments thereto, entered in civil action *Environment Rhode Island, et. al. v. City of Newport*, US Dist. Ct. Dist. of RI, CA 08-265S.

[4]Limits shall be in effect after the date of completion of the Washington Street CSO Facility Dechlorination improvements required by the Consent Decree, and any amendments thereto, entered in civil action *Environment Rhode Island, et. al. v. City of Newport*, US Dist. Ct. Dist. of RI, CA 08-265S.

[5]The TRC, Fecal Coliform, and Enterococci samples shall be taken at the same time. The following methods may be used to analyze the grab samples: (1) Low Level Amperometric Titration, Standard Methods (18th Edition) No. 4500-Cl E; (2) DPD Spectrophotometric, EPA No. 330.5 or Standard Methods (18th Edition) No. 4500-Cl G.

[6]All flows created by the greater than the one (1)-year six (6)-hour storm (depth = 1.95 inches), and all storms occurring less frequently as defined by Attachment A-7, are not subject to these limitations.

---Signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations: Outfall 010A (Final discharge from the Washington Street CSO Facility).

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A. **EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

7. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 007A (Final discharge from the Wellington Avenue Microstraining Facility). Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity - lbs./day		Concentration - specify units				
	Average Monthly	Maximum Daily	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type
Flow[1] (Volume)		--- MG				Continuous	Recorder
BOD_5[1]			--- mg/L		--- mg/L	Once/Overflow[3]	Composite[2]
TSS[1]			--- mg/L		--- mg/L	Once/Overflow[3]	Composite[2]
Oil and Grease			--- mg/L		--- mg/L	Once/Overflow[3]	Grab
BOD_5 - % Removal			35%[4]			Once/Overflow[3]	Calculated
TSS - % Removal			50%[4]			Once/Overflow[3]	Calculated

[1]Testing for BOD_5 and TSS shall be performed and reported for influent and effluent with appropriate allowances for hydraulic detention (flow-through) time.

[2]Composite sampling shall consist of hourly grab samples taken for the duration of the overflow.

[3]For monitoring purposes, an overflow is defined as any occurrence of a discharge from a CSO to the receiving water with a minimum duration of 15 minutes. Overflows shall be considered to be separate if they are separated by six (6) or more hours. During months of no overflow DMRs shall be marked as "no discharge." Dry weather overflows, of any duration, are prohibited. Any discharge from a CSO to the receiving water, regardless of the duration, must be reported as a CSO to the DEM's Operations and Maintenance Program.

[4]All flows created by the greater than the one (1)-year six (6)-hour storm (depth = 1.95 inches), and all storms occurring less frequently as defined by Attachment A-7, are not subject to these limitations.

Sampling will be excused during adverse weather conditions. Adverse weather conditions will include conditions where it is the professional opinion of the operator on duty that his presence on the pier would constitute a significant threat to personal safety. This would include conditions such as heavy winds, diminished visibility due to driving rain or snow, icy or slippery conditions, and the presence of seawater due to wave excursions.

---Signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations: Outfall 007A (Final discharge from the Wellington Avenue Microstraining Facility).

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A. **EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

8. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 007A (Final discharge from the Wellington Avenue Microstraining Facility).Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity - lbs./day		Concentration - specify units				
	Average Monthly	Maximum Daily	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type
Enterococci[3]			--- cfu / 100 ml		--- cfu / 100 ml	Once/Overflow[1]	Composite[2]
Fecal Coliform[3]			--- MPN / 100 mL		--- MPN / 100 mL	Once/Overflow[1]	Composite[2]
Total Residual Chlorine (TRC)[3]			--- ug/L		--- ug/L	Once/Overflow[1]	Composite[2]

[1]For monitoring purposes, an overflow is defined as any occurrence of a discharge from a CSO to the receiving water with a minimum duration of 15 minutes. Overflows shall be considered to be separate if they are separated by six (6) or more hours. During months of no overflow DMRs shall be marked as "no discharge." Dry weather overflows, of any duration, are prohibited. Any discharge from a CSO to the receiving water, regardless of the duration, must be reported as a CSO to the DEM's Operations and Maintenance Program.

[2]Composite sampling shall consist of hourly grabs taken during the first 4 hours of each overflow and subsequently once every 24 hours for the duration of the discharge. The Geometric Mean of the Enterococci and Fecal Coliform data shall be reported as the "average monthly" values.

[3]The TRC, Fecal Coliform, and Enterococci samples shall be taken at the same time. The following methods may be used to analyze the grab samples: (1) Low Level Amperometric Titration, Standard Methods (18th Edition) No. 4500-Cl E; (2) DPD Spectrophotometric, EPA No. 330.5 or Standard Methods (18th Edition) No. 4500-Cl G.

Sampling will be excused during adverse weather conditions. Adverse weather conditions will include conditions where it is the professional opinion of the operator on duty that his presence on the pier would constitute a significant threat to personal safety. This would include conditions such as heavy winds, diminished visibility due to driving rain or snow, icy or slippery conditions, and the presence of seawater due to wave excursions.

—Signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations: Outfall 007A (Final discharge from the Wellington Avenue Microstraining Facility).

9. a. The pH of the effluent shall not be less than 6.0 nor greater than 9.0 standard units at any time, unless these values are exceeded due to natural causes or as a result of the approved treatment processes.

b. The discharge shall not cause visible discoloration of the receiving waters.

c. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.

d. The permittee's treatment facility (Outfall 001A) shall maintain a minimum of 85 percent removal of both total suspended solids and 5-day biochemical oxygen demand during dry weather conditions. Dry weather is defined as any calendar day on which there is less than 0.1 inch of rain and no snow melt. The percent removal shall be based on monthly average values.

e. During the third calendar quarter bioassay sampling event, the final effluent sample collected during the same twenty-four (24) hour period as the bioassay sample, shall be analyzed for priority pollutants (as listed in Tables II and III of Appendix D of 40 CFR 122). The results of these analyses shall be submitted to the Department of Environmental Management by October 15th with the third quarter bioassay sample results. All sampling and analysis shall be done in accordance with EPA Regulations, including 40 CFR, Part 136; grab and composite samples shall be taken as appropriate.

f. This permit serves as the State's Water Quality Certificate for the discharges described herein.

B. COMBINED SEWER OVERFLOW REQUIREMENTS

1. During wet weather, the permittee is authorized to discharge from the Washington Street CSO Facility (Outfall 010A) and the Wellington Avenue CSO Facility (Outfall 007A) in accordance with Part I.A.5 through Part I.A.8 of the permit. These CSOs are subject to the following:

a. The discharges shall comply with the EPA CSO Policy, including those not specifically listed in this permit.

b. The discharges shall receive treatment at a level providing Best Practicable Control Technology Currently Available (BPT), Best Conventional Pollutant Control Technology (BCT) to control and abate conventional pollutants, and Best Available Technology Economically Achievable (BAT) to control and abate non-conventional and toxic pollutants. The DEM and EPA have made a Best Professional Judgement (BPJ) determination that BPT, BCT, and BAT for combined sewer overflow (CSO) control include the implementation of Nine Minimum Controls (NMC) specified below and detailed further in Part I.B.1.d. "Nine Minimum Controls, Minimum Implementation Levels" of this permit:

1. The permittee shall maintain and implement Standard Operating Procedures and proper operation and maintenance programs for the sewer system and all CSO outfalls to reduce the magnitude, frequency, and duration of CSOs. The program shall consider regular sewer inspections; sewer, catch basin, and regulator cleaning; equipment and sewer collection system repair or replacement, where necessary; disconnection of illegal connections; and the items in Parts I.E and I.B.1.d.5 of this permit.

2. The permittee shall maintain and implement Standard Operating Procedures that will maximize use of the collection system for wastewater storage that can be accommodated by the storage capacity of the collection system in order to reduce the magnitude, frequency, and duration of CSOs.

3. The permittee shall evaluate the CSO impacts from non-domestic users and take appropriate steps to minimize such impacts.

4. The permittee shall develop and implement Standard Operating Procedures to operate the WPCP at maximum treatable flow during all wet weather flow conditions to reduce the magnitude, frequency, and duration of CSOs. The permittee shall deliver all flows to the WPCP within the constraints of the flow limits listed in Part I.A.1.

5. Dry weather overflows from CSO outfalls are prohibited. When the permittee detects a dry weather overflow, the permittee shall begin corrective action immediately. All dry weather sanitary and/or industrial discharges from CSOs must be reported to DEM within twenty-four (24) hours in accordance with the reporting requirements for plant bypass (Part II of this permit). The permittee shall inspect the dry weather overflow each subsequent day until the overflow has been eliminated.

6. The permittee shall implement measures to control solid and floatable materials in CSOs.

7. The permittee shall implement a pollution prevention program focused on reducing the impact of CSOs on receiving waters.

8. The permittee shall implement a public notification process to inform citizens of when and where CSOs occur. The process must include: (a) a mechanism to alert persons of the occurrence of CSOs and; (b) a system to determine the nature and duration of conditions that are potentially harmful for users of receiving waters due to CSOs. The City of Newport shall maintain CSO identification signs at each CSO in the Newport WPCP Service Area. The signs must be located at or near the outfall structures, easily readable by the public, a minimum of 12 by 18 inches in size with white lettering against a green background, and shall contain the following information:

   The City of Newport
   Wet Weather Combined Sewage Discharge
   Outfall Number _____
   (discharge serial number)

   The signs must comply with the minimum requirements as approved by DEM.

9. The permittee shall monitor CSO outfalls to characterize CSO impacts and the efficacy of CSO controls. The data collected shall include:

   a. Characteristics of the combined sewer system including the population served by the combined portion of the system and locations of all CSO outfalls in the CSS;

   b. Total number of CSO events and the frequency and duration of CSOs;

   c. Locations and designated uses of receiving waterbodies;

d. Water quality data for receiving waterbodies;

e. Water quality impacts directly related to CSOs (e.g., beach closing, floatable wash-up episodes, fish kills).

c. The permittee shall maintain and implement its Nine Minimum Controls Plan, dated February 2008, to satisfy each minimum control shown in Parts I.B.1.b and I.B.1.d of the permit. If the Nine Minimum Controls Plan is reviewed by the DEM the permittee may be notified at any time that the Plan does not meet one or more of the minimum requirements of this permit. After such notification from the DEM, the permittee shall make changes to the Plan and shall submit a written certification that the requested changes have been made. Unless otherwise provided by the DEM, the permittee shall have thirty (30) days after such notification to make the necessary changes

d. Nine Minimum Controls, Minimum Implementation Levels:

1. The permittee must implement the nine minimum controls in accordance with the documentation provided to DEM or as subsequently modified to enhance the effectiveness of the controls. This implementation must include the following controls plus other controls the permittee can reasonably implement as set forth in the documentation.

2. The direct discharge of holding tank wastes and septage to a CSO is prohibited. Discharges of holding tank wastes and septage into the sewer system must be at locations that minimize the likelihood of concentrated wastes being discharged from CSOs.

3. Dry weather overflows (DWOs) are prohibited. All dry weather sanitary and/or industrial discharges from CSOs must be reported to DEM within twenty-four (24) hours in accordance with the reporting requirements for plant bypass (Part II of this permit).

4. The City of Newport shall maintain CSO identification signs at each CSO in the Newport WPCP Service Area. The signs must comply with the minimum requirement as approved by DEM.

5. Operation and maintenance of the sewer system:

a. All catch basins owned by the permittee shall be inspected, and cleaned if required, a minimum of once per year.

b. All collection system pump stations in the permittee's service area shall be inspected at least weekly and all pump station generators shall be inspected a minimum of twice per year.

c. All regulators shall be inspected at least twice a month.

d. All tidegates (if applicable) shall be inspected and maintained on a monthly basis.

e. All sumps in the Newport WPCP Service Area associated with CSO regulators shall be cleaned quarterly.

f. A report on tidegate and combined sewer overflow/regulator maintenance/repair and Nine Minimum Controls Plan implementation status during the previous six (6) months shall be submitted to the DEM, Office of Water Resources, by January 15th and July 15th of each year. The report shall include which structures were checked and when, the condition of each one, which were reported and when, which ones must yet be repaired, the reasons any repair was delayed, the anticipated repair schedule, and a summary of any activities related to the Nine Minimum Controls Plan.

2. Combined sewage entering the Washington Street CSO Facility, designated as Outfall 010A, will either: (1) receive primary treatment and disinfection and discharge through Outfall 010A or (2) be stored and pumped back to Newport's WPCP to receive secondary treatment. All flows shall be accounted for in the calculations of percent removal. Compliance with the % removal limitations for Outfall 010A shall be evaluated using the following formula:

Monthly % Removal = For CSO Facility

$$\frac{\sum_{i=1}^{n}\left[\frac{(V_1C_1)-[(V_2C_2)+V_3C_3(1-R)]}{V_1C_1}\right]_i}{n}$$

Where: i = each storm event which activates CSO facility;

n = the number of storm events that CSO facility is activated in a month;

V_1 = volume of flow that enters the Washington Street CSO Facility (prior to screening);

C_1 = concentration of pollutants that enters the Washington Street CSO Facility (prior to screening);

V_2 = volume of flow that is treated and discharged from the Washington Street CSO Facility (Outfall 010A);

C_2 = concentration of pollutants that is treated and discharged from Washington Street CSO Facility (Outfall 010A);

V_3 = volume of flow that is pumped back to the Newport WPCP (including stored flows pumped after storm);

C_3 = concentration of pollutants that is pumped back to the Newport WPCP (based on flow proportioned composite samples taken during the pumpback cycle);

R = monthly percent removal from Newport WPCP;

Note: The numbering used in Figure 2 corresponds to the subscripts above.

The above formula is not applicable for the Wellington Avenue Microstraining Facility since flows of combined sewage pumped to the Newport WPCP, untreated effluent, and primary treated CSO discharges cannot be quantified during wet weather events. A simplified percent removal calculation based upon influent and effluent data shall be used for the Wellington Avenue Microstraining Facility.

C. BIOMONITORING REQUIREMENTS AND INTERPRETATION OF RESULTS

1. General

Beginning on the effective date of the permit, the permittee shall perform four (4) acute toxicity tests per year on samples collected from discharge Outfall 001A (Newport WPCP effluent at the end of the chlorine contact chamber after dechlorination). The permittee shall conduct the tests during dry weather periods (no rain forty-eight (48) hours prior to or during sampling unless approved by DEM) according to the following test frequency and protocols. Acute data shall be reported as outlined in Part I.C.9. The State may require additional screening, range finding, or definitive acute or chronic bioassays as deemed necessary based on the results of the initial bioassays required herein. Indications of toxicity could result in requiring a Toxicity Reduction Evaluation (TRE) to investigate the causes and to identify corrective actions necessary to eliminate or reduce toxicity to an acceptable level.

2. Test Frequency

On four (4) sampling events, (one (1) each calendar quarter) the permittee will conduct forty-eight (48) hour acute definitive toxicity tests on the species listed below, for a total of four (4) acute toxicity tests per year. This requirement entails performing one-species testing as follows:

Species	Test Type	Frequency
Mysids (Mysidopsis bahia)	Definitive 48-Hour Acute Static (LC_{50})	Quarterly

3. Testing Methods

Acute definitive toxicity tests shall be conducted in accordance with protocols listed in 40 CFR Part 136.

4. Sample Collection

For each sampling event a twenty-four (24) hour flow proportioned composite final effluent sample from the end of the chlorine contact chamber after dechlorination shall be collected during a dry weather period (no rain forty-eight (48) hours prior to or during sampling unless approved by DEM). This sample shall be kept cool (at 4°C) and testing shall begin within twenty-four (24) hours after the last sample of the composite is collected. In the laboratory, the sample will be split into two (2) subsamples, after thorough mixing, for the following:

A: Chemical analysis
B: Acute toxicity testing

All samples held overnight shall be refrigerated at 4°C. Grab samples must be used for pH and temperature.

5. Salinity Adjustment

Prior to the initiation of testing, the effluent must be adjusted to make the salinity of the effluent equal to that of the marine dilution water. The test solution must be prepared by adding non-toxic dried ocean salts to a sufficient quantity of 100% effluent to raise the salinity to the desired level. After the addition of the dried salts, stir gently for thirty (30) to sixty (60) minutes, preferably with a magnetic stirrer, to ensure that the salts are in solution. It is important to check the final salinity with a refractometer or salinometer.

Salinity adjustments following this procedure and in accordance with EPA protocol will ensure that the concentrations (% effluent) of each dilution are real and allow for an accurate evaluation with the acute permit limit and acute monitoring requirements.

6. Dilution Water

Dilution water used for marine acute toxicity analyses should be of sufficient quality to meet minimum acceptability of test results (See Part I.C.7.). Natural seawater shall be used as the dilution water. This water shall be collected from Narragansett Bay off the dock at the URI's Graduate School of Oceanography on South Ferry Road, Narragansett. It is noted that the University claims no responsibility for personal safety on this dock. The permittee shall observe rules posted at the dock. If this natural seawater diluent is found to be, or suspected to be toxic or unreliable, an alternate source of natural seawater, or deionized water mixed with hypersaline brine, or artificial sea salts of known quality with a salinity and pH similar to that of the receiving water may be substituted AFTER RECEIVING APPROVAL FROM DEM.

7. Effluent Toxicity Test Conditions for Mysids[1]
(Mysidopsis bahia)

a.	Test type	48-Hour Static Acute Definitive
b.	Salinity	25 ppt ± 10% for all dilutions
c.	Temperature	25° ± 1°C
d.	Light Quality	Ambient laboratory illumination
e.	Photoperiod	8 –16 Hour Light/24-Hour
f.	Test Chamber Size	250 ml
g.	Test solution volume	200 ml
h.	Age of Test Organisms	1 – 5 Days
i.	Number of Mysids Per Test Chamber	10
j.	Number of Replicate Test Chamber Per Concentration	2
k.	Total Number Mysids Per Test Concentration	20
l.	Feeding Regime	Light feeding (two (2) drops concentrated brine shrimp nauplii, approximately 100 nauplii per mysid twice daily)
m.	Aeration	None, unless dissolved oxygen concentration falls below 40% of saturation at which time gentle single-bubble aeration should be started.

n.	Dilution Water	Narragansett Bay water as discussed above.
o.	Dilutions	Five (5) dilutions plus a control: 100%, 50%, 25%, 12.5%, 6.25% and 0% effluent.
p.	Effect Measured and Test	Mortality – no movement of body test duration or appendages on gentle prodding, 48-hour LC_{50} and NOAEL.
q.	Test Acceptability	90% or greater survival of test organisms in control solution.
r.	Sampling Requirements	Samples are collected and used within 24 hours after the last sample of the composite is collected.
s.	Sample Volume Required	Minimum four (4) liters

8. Chemical Analysis

The following chemical analysis shall be performed for every sampling event.

Parameter	Effluent	Saline Diluent	Detection Limit (mg/l)
pH	X	X	---
Specific Conductance	X	X	---
Total Solids and Suspended Solids	X	X	---
Total Ammonia	X		0.1
Total Organic Carbon	X		0.5
Available Cyanide	X		0.01
Total Phenols	X		0.05
Salinity	X	X	PPT(0/00)

During the first, second, and fourth calendar quarter bioassay sampling events the following chemical analyses shall be performed:

Total Metals	Effluent	Saline Diluent	Detection Limit (µg/l)
Total Aluminum	X	X	5.0
Total Cadmium	X	X	0.1
Total Copper	X	X	1.0

Hexavalent Chromium	X	X	20.0
Total Lead	X	X	1.0
Total Nickel	X	X	1.0
Total Zinc	X	X	5.0

The above metal analyses may be used to fulfill, in part or in whole, monitoring requirements in other parts of the permit for these specific pollutants.

During the third calendar quarter bioassay sampling event, the final effluent bioassay sample, shall be analyzed for priority pollutants (as listed in Tables II and III of Appendix D of 40 CFR 122). The bioassay priority pollutant scan shall be a full scan and may be coordinated with the other permit conditions to fulfill any priority pollutant scan requirements.

9. Toxicity Test Report Elements

A report of results will include the following:

- Description of sample collection procedures and site description.
- Names of individuals collecting and transporting samples, times, and dates of sample collection and analysis.
- General description of tests: age of test organisms, origin, dates, and results of standard toxicant tests (quality assurance); light and temperature regime; dilution water description; other information on test conditions if different than procedures recommended.
- The method used to adjust the salinity of the effluent must be reported.
- Raw data and bench sheets.
- Any other observations or test conditions affecting test outcome.

Toxicity Test data shall include the following:

- Survival for each concentration and replication at time twenty-four (24) and forty-eight (48) hours.
- LC_{50} and 95% confidence limits shall be calculated using one of the following methods in order of preference: Probit, Trimmed Spearman Karber, Moving Average Angle, or the graphical method. All printouts (along with the name of the program, the date, and the author(s) and graphical displays must be submitted. When data is analyzed by hand, worksheets should be submitted. The report shall also include the No Observed Acute Effect Level (NOAEL), which is defined as the highest concentration of the effluent (in % effluent) in which 90% or more of the test animals survive.

- The Probit, Trimmed Spearman Karber, and Moving Average Angle methods of analyses can only be used when mortality of some of the test organisms are observed in at least two (2) of the (percent effluent) concentrations tested (i.e., partial mortality). If a test results in a 100% survival and 100% mortality in adjacent treatments ("all or nothing" effect), an LC_{50} may be estimated using the graphical method.

10. Special Condition

Due to the fact that the suggested dilution water for this facility to use in conducting the bioassays is from the end of the dock at the URI's Narragansett Bay Campus, a Letter of Agreement shall be signed and submitted to the Graduate School of Oceanography. Requests to use another source of dilution water will have to be approved by the DEM, Office of Water Resources.

11. Reporting of Bioassay Testing

Bioassay testing shall be reported as follows:

Quarter Testing to be performed	Report Due No later than	Results submitted on DMR for
January 1 - March 31	April 15	March
April 1 - June 30	July 15	June
July 1 - September 30	October 15	September
October 1 - December 31	January 15	December

A signed copy of these, and all other reports required herein, shall be submitted to:

Office of Water Resources
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, Rhode Island 02908-5767

D. INDUSTRIAL PRETREATMENT PROGRAM

1. Definitions

For the purpose of this permit, the following definitions apply.

a. 40 CFR 403 and sections thereof refer to the General Pretreatment regulations, 40 CFR Part 403 as revised.

b. Categorical Pretreatment Standards mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Clean Water Act (33 USC 1251), as amended, which apply to a specific category of industrial users and which appears in 40 CFR Chapter 1, subchapter N.

c. Pretreatment Standards include all specific prohibitions and prohibitive discharge limits established pursuant to 40 CFR 403.5, including but not limited to, local limits, and the Categorical Pretreatment Standards.

d. Regulated Pollutants shall include those pollutants contained in applicable categorical standards and any other pollutants listed in the Pretreatment Standards which have reasonable potential to be present in an industrial user's effluent.

2. Implementation

The authority and procedures of the Industrial Pretreatment Program shall at all times be fully and effectively exercised and implemented, in compliance with the requirements of this permit and in accordance with the legal authorities, policies, procedures and financial provisions described in the permittee's approved Pretreatment Program and Sewer Use Ordinance, the Rhode Island Pretreatment Regulations, and the General Pretreatment Regulations at 40 CFR 403. The permittee shall maintain adequate resource levels to accomplish the objectives of the Pretreatment Program.

3. Local Limits

Pollutants introduced into POTWs by a non-domestic source (user) shall not: pass through the POTW, interfere with the operation or performance of the works, contaminate sludge as to adversely effect disposal options, or adversely effect worker safety and health.

a. The permittee has an approved Local Limits Report and an approved Local Limits Monitoring Plan that both shall continue to be implemented at all times.

b. At the time of renewal of this permit and in accordance with 40 CFR 122.44(j)(2), the permittee shall submit to the DEM with its permit renewal application a written technical evaluation of the need to revise local limits. The evaluation shall be based, at a minimum, on information obtained during the implementation of the permittee's local limits monitoring plan and current RIPDES permit discharge limits, sludge disposal criteria, secondary treatment inhibition, and worker health and safety criteria.

4. Enforcement Response Plan (ERP)

The permittee has an approved ERP, dated February 17, 1999, that meets the requirements of 40 CFR 403.8(f)(5). The permittee shall continue to implement its approved ERP at all times.

5. General

a. The permittee shall carry out inspection, surveillance, and monitoring procedures which will determine, independent of information supplied by the industrial user, whether the industrial user is in compliance with Pretreatment Standards. At a minimum, all significant industrial users shall be inspected and monitored for all regulated pollutants at the frequency established in the approved Industrial Pretreatment Program but in no case less than once per year (one (1) year being determined as the reporting year established in Part I.C.7 of this permit). In addition, these inspections, monitoring and surveillance activities must be conducted in accordance with EPA's Industrial User Inspection and Sampling Manual for POTW's, April 1994. All inspections, monitoring, and surveillance activities shall be performed, and have records maintained, with sufficient care to produce evidence admissible in enforcement proceedings or judicial actions. The permittee shall evaluate, at least every two years unless specific 40 CFR 403 streamlining provisions have been adopted to the contrary, whether each SIU requires a Slug Control Plan. If a Slug Control Plan is required, it shall include the contents specified by 40 CFR 403.8(f)(2)(vi).

b. The permittee shall reissue all necessary Industrial User (IU) control mechanisms within thirty (30) days of their expiration date. The permittee shall issue, within sixty (60) days after the determination that an IU is a Significant Industrial User (SIU), all SIU control mechanisms. All SIU control mechanisms must contain, at a minimum, those conditions stated in 40 CFR 403.8(f)(1)(iii)(B). All control mechanisms must be mailed via Certified Mail, Return Receipt Requested. A complete bound copy of the control mechanism with the appropriate receipt must be kept as part of the Industrial User's permanent file. In addition, the permittee must develop a fact sheet describing the basis for the SIU's permit and retain this fact sheet as part of the SIU's permanent file.

c. The permittee must identify each instance of noncompliance with any pretreatment standard and/or requirement and take a formal documented action for each instance of noncompliance. Copies of all such documentation must be maintained in the Industrial User's permanent file.

d. The permittee shall prohibit Industrial Users from the dilution of a discharge as a substitute for adequate treatment in accordance with 40 CFR 403.6(d).

e. The permittee shall comply with the procedures of 40 CFR 403.18 for instituting any modifications of the permittee's approved Pretreatment Program. Significant changes in the operation of a POTW's Approved Pretreatment Program must be submitted and approved following the procedures outlined in 40 CFR 403.18(b) and 403.9(b). However, the endorsement of local officials responsible for supervising and/or funding the pretreatment program required by 403.9(b)(2) will not be required until DEM completes a preliminary review of the submission. The DEM will evaluate and review the permittee's initial proposal for a modification and provide written notification either granting preliminary approval of the proposed modifications or stating the deficiencies contained therein. DEM's written notification will also include a determination whether the submission constitutes a substantial or non-substantial program modification as defined by 40 CFR 403.18. Should DEM determine that a deficiency exists in the proposed modification, the permittee shall submit to DEM, within thirty (30) days of the receipt of said notice, a revised submission consistent with DEM's notice of deficiency.

Pretreatment program modifications which the permittee considers Non-substantial, shall be deemed to be approved within forty-five (45) days after submission of the request for modification, unless DEM determines that the modification is in fact a substantial modification or notifies the permittee of deficiencies. Upon receipt of notification that DEM has determined the modification is substantial, the permittee shall initiate the procedures and comply with the deadlines for substantial modifications, which are outlined below.

For substantial modifications, the permittee shall, within sixty (60) days (unless a longer time frame is granted) of the receipt of DEM's preliminary approval of the proposed modification, submit documentation (as required by 403.9(b)(2)) that any local public notification/participation procedures required by law have been completed, including any responses to public comments, and a statement that the local officials will endorse and/or approve the modification upon approval by DEM.

Within thirty (30) days of DEM's final approval of the proposed modification(s), the permittee shall implement the modification and submit proof that the local officials have endorsed and/or approved the modification(s) to the DEM. Upon final approval by the DEM and adoption by the permittee, this modification(s) shall become part of the approved pretreatment program and shall be incorporated into this permit in accordance with 40CFR 122.63(g).

f. All sampling and analysis required of the permittee, or by the permittee of any Industrial User, must be performed in accordance with the techniques described in 40 CFR 136.

g. For those Industrial Users with discharges that are not subject to Categorical Pretreatment Standards, the permittee shall require appropriate reporting in accordance with 40 CFR 403.12(h).

h. The permittee shall, in accordance with 40 CFR 403.12(f), require all Industrial Users to immediately notify the permittee of all discharges by the Industrial User that could cause problems to the POTW, including slug loadings, as defined by 40 CFR 403.5.

i. The permittee shall require all Industrial Users to notify the permittee of substantial changes in discharge as specified in 40 CFR 403.12(j) and the permittee shall also notify DEM of each such substantial change in discharge prior to acceptance.

j. The permittee shall require New Sources to install and have in operation all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. In addition, the permittee shall require New Sources to meet all applicable Pretreatment Standards within the shortest feasible time which shall not exceed ninety (90) days in accordance with 40 CFR 403.6(b).

k. The permittee shall require all Industrial Users who are required to sample their effluent and report the results of analysis to the POTW to comply with signatory requirements contained in 40 CFR 403.12(l) when submitting such reports.

l. The permittee shall determine, based on the criteria set forth in 40 CFR 403.8(f)(2)(viii), using the EPA method of "rolling quarters", the compliance status of each Industrial User. Any Industrial User determined to meet Significant Non-Compliance (SNC) criteria shall be included in an annual public notification as specified in 40 CFR 403.8(f)(2)(viii).

m. The permittee shall require Industrial Users to comply with the notification and certification requirements of 40 CFR 403.12(p)(1), (3) and (4) pertaining to the discharge of substances to the POTW, which if disposed of otherwise, would be a hazardous waste under 40 CFR Part 261.

n. The permittee shall continue to designate, as SIUs, those Industrial Users (IUs) which meet the definition contained in 40 CFR 403.3 and the permittee's sewer use ordinance.

o. The permittee shall notify each newly designated SIU of its classification as an SIU within thirty (30) days of identification and shall inform the SIU of the requirements of an SIU contained in 40 CFR 403.12.

6. Categorical Industrial Users (CIUs)

a. The permittee shall require Industrial Users to comply with applicable Categorical Pretreatment Standards in addition to all applicable Pretreatment Standards and Requirements. The permittee shall require of all Categorical Industrial Users (CIUs), all reports on compliance with applicable Categorical Pretreatment Standards and Categorical Pretreatment Standard deadlines as specified in and in accordance with Sections (b), (d), (e) and (g) of 40 CFR 403.12. In addition, the permittee shall require Categorical Industrial Users to comply with the report signatory requirements contained in 40 CFR 403.12(l) when submitting such reports.

b. If the permittee applies the Combined Wastestream Formula (CWF) to develop fixed alternative discharge limits of Categorical Pretreatment Standards, the application of the CWF and the enforcement of the resulting limits must comply with 40 CFR 403.6(e). The permittee must document all calculations within the control mechanism fact sheet and the resulting limits within the CIU's control mechanism. The permittee must ensure that the most stringent limit is applied to the CIU's effluent at end-of-pipe based upon a comparison of the resulting CWF limits and the permittee's local limits.

c. If the permittee has or obtains the authority to apply and enforce equivalent mass-per-day and/or concentration limitations of production-based Categorical Pretreatment Standards, then the permittee shall calculate and enforce the limits in accordance with 40 CFR 403.6(c). The permittee must document all calculations within the control mechanism fact sheet and the resulting limits within the CIU's control mechanism.

7. Annual Report

The annual report for the permittee's program shall contain information pertaining to the reporting year which shall extend from January 1st through December 31st and shall be submitted to the DEM by February 15th. Each item below must be addressed separately and any items which are not applicable must be so indicated. If any item is deemed not applicable a brief explanation must be provided. The annual report shall include the following information pertaining to the reporting year:

a. A listing of Industrial Users which complies with requirements stated in 40 CFR 403.12(i)(1). The list shall identify all Categorical Industrial Users, Significant Industrial Users and any other categories of users established by the permittee;

b. In accordance with 40 CFR 122.42(b)(1) and 40 CFR 122.42(b)(2), a summary, including dates of any notifications received by the permittee of any substantial change in the volume or character of pollutants being introduced into the POTW by new or existing IUs. If applicable, an evaluation of the quality and quantity of influent introduced into the POTW and any anticipated impact due to the changed discharge on the quantity or quality of effluent to be discharged from the POTW shall be included;

c. A summary of the Compliance status of each Industrial User (IU), as of the end of last quarter covered by the annual report. The list shall identify all IUs in non-compliance, the pretreatment program requirement which the IU failed to meet, and the type, and date of the enforcement action initiated by the permittee in response to the violation. If applicable, the list shall also contain the date which IUs in non-compliance returned to compliance, a description of corrective actions ordered, and the penalties levied.

d. A list of industries which were determined, in accordance with Part I.D.5.(l) of this permit, to be in significant non-compliance required to be published in a local newspaper and a copy of an affidavit of publication, from the newspaper, verifying that the names of these violators has been published;

e. A summary of inspection and monitoring activity performed by the permittee, including;

- significant industrial users inspected by the POTW (include inspection dates for each industrial user);
- significant industrial user sampled by the POTW (include sampling dates and dates of analysis, for each industrial user);

f. A summary of permit issuance/reissuance activities including the name of the industrial user, expiration date of previous permit, issuance date of new permit, and a brief description of any changes to the permit;

g. A list including the report/notification type, due date, and receipt date for each report/notification required by 40 CFR 403.12.

h. A summary of public participation efforts including meetings and workshops held with the public and/or industry and notices/newsletters/bulletins published and/or distributed;

i. A program evaluation in terms of program effectiveness, local limits application and resources which addresses but is not limited to:

- A description of actions being taken to reduce the incidence of SNC by Industrial Users;
- effectiveness of enforcement response program;
- sufficiency of funding and staffing;
- sufficiency of the SUO, Rules and Regulations, and/or statutory authority;

j. An evaluation of recent/proposed program modifications, both substantial and non-substantial, in terms of the modification type, implementation and actual/ expected effect (note proposed modifications must be submitted under separate cover along with the information required by 40 CFR 403.18);

k. A detailed description of all interference and pass-through that occurred during the past year and, if applicable;

- A thorough description of all investigations into interference and pass-through during the past year;
- A description of the monitoring, sewer inspections and evaluations which were done during the past year to detect interference and pass-through, specifying pollutants analyzed and frequencies;

l. A summary of the average, maximum, and minimum concentrations and number of data points used for pollutant analytical results for influent, effluent, sludge and any toxicity or bioassay data from the wastewater treatment facility. The summary shall include a comparison of influent sampling results versus the maximum allowable headworks loadings contained in the approved local limits evaluation and effluent sampling results versus water quality standards. Such a comparison shall be based on the analytical results required in Parts I.A and I.C. of this permit and any additional sampling data available to the permittee; and

m. A completed Annual Pretreatment Report Summary Sheet (see Attachment A-1).

8. Inter-Jurisdictional Agreement

The permittee has an approved Inter-Jurisdictional Agreement with the Town of Middletown that shall be continued to be implemented at all times.

9. Sewer Use Ordinance

The permittee has an approved Sewer Use Ordinance which shall continue to be implemented at all times.

E. OPERATION AND MAINTENANCE OF THE SEWER SYSTEM

Operation and maintenance of the sewer system shall be in compliance with the General Requirements of Part II and the following terms and conditions:

1. Maintenance Staff

The permittee shall provide an adequate staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit.

2. Combined Sewer Overflows and Bypasses

The permittee shall operate and improve the sewer system to minimize the discharge of pollutants from combined sewer overflows and bypasses.

3. Infiltration/Inflow

The permittee shall minimize infiltration/inflow to the sewer system.

F. SLUDGE

The permittee shall conform and adhere to all conditions, practices and regulations as contained in the State of Rhode Island Rules and Regulations Pertaining to the Disposal, Utilization and Transportation of Sewage Sludge. The permittee shall comply with its DEM Order of Approval for the disposal of sludge.

G. DETECTION LIMITS

The permittee shall assure that all wastewater testing required by this permit, is performed in conformance with the method detection limits listed below. In accordance with 40 CFR Part 136, EPA approved analysis techniques, quality assurance procedures and quality control procedures shall be followed for all reports required to be submitted under the RIPDES program. These procedures are described in "Methods for the Determination of Metals in Environmental Samples" (EPA/600/4-91/010) and "Methods for Chemical Analysis of Water and Wastes" (EPA/600/4-79/020).

The report entitled "Methods for the Determination of Metals in Environmental Samples" includes a test which must be performed in order to determine if matrix interferences are present, and a series of tests to enable reporting of sample results when interferences are identified. Each step of the series of tests becomes increasingly complex, concluding with the complete Method of Standard Additions analysis. The analysis need not continue once a result which meets the applicable quality control requirements has been obtained. Documentation of all steps conducted to identify and account for matrix interferences shall be documented and maintained onsite.

If, after conducting the complete Method of Standard Additions analysis, the laboratory is unable to determine a valid result, the laboratory shall report "could not be analyzed". Documentation supporting this claim shall be maintained onsite. If valid analytical results are repeatedly unobtainable, DEM may require that the permittee determine a method detection limit (MDL) for their effluent or sludge as outlined in 40 CFR Part 136, Appendix B.

When calculating sample averages for reporting on discharge monitoring reports (DMRs):

1. "could not be analyzed" data shall be excluded, and shall not be considered as failure to comply with the permit sampling requirements;
2. results reported as less than the MDL shall be reported as zero in accordance with the DEM's DMR Instructions, provided that all appropriate EPA approved methods were followed.

Therefore, all sample results shall be reported as: an actual value, "could not be analyzed", or zero. The effluent or sludge specific MDL must be calculated using the methods outlined in 40 CFR Part 136, Appendix B. Samples which have been diluted to ensure that the sample concentration will be within the linear dynamic range shall not be diluted to the extent that the analyte is not detected. If this should occur the analysis shall be repeated using a lower degree of dilution.

LIST OF TOXIC POLLUTANTS

The following list of toxic pollutants has been designated pursuant to Section 307(a)(1) of the Clean Water Act. The Method Detection limits (MDLs) represent the required Rhode Island MDLs.

Volatiles - EPA Method 624		MDL ug/l (ppb)
1V	acrolein	10.0
2V	acrylonitrile	5.0
3V	benzene	1.0
5V	bromoform	1.0
6V	carbon tetrachloride	1.0
7V	chlorobenzene	1.0
8V	chlorodibromomethane	1.0
9V	chloroethane	1.0
10V	2-chloroethylvinyl ether	5.0
11V	chloroform	1.0
12V	dichlorobromomethane	1.0
14V	1,1-dichloroethane	1.0
15V	1,2-dichloroethane	1.0
16V	1,1-dichloroethylene	1.0
17V	1,2-dichloropropane	1.0
18V	1,3-dichloropropylene	1.0
19V	ethylbenzene	1.0
20V	methyl bromide	1.0
21V	methyl chloride	1.0
22V	methylene chloride	1.0
23V	1,1,2,2-tetrachloroethane	1.0
24V	tetrachloroethylene	1.0
25V	toluene	1.0
26V	1,2-trans-dichloroethylene	1.0
27V	1,1,1-trichloroethane	1.0
28V	1,1,2-trichloroethane	1.0
29V	trichloroethylene	1.0
31V	vinyl chloride	1.0

Acid Compounds-EPA Method 625		MDL ug/l (ppb)
1A	2-chlorophenol	1.0
2A	2,4-dichlorophenol	1.0
3A	2,4-dimethylphenol	1.0
4A	4,6-dinitro-o-cresol	1.0
5A	2,4-dinitrophenol	2.0
6A	2-nitrophenol	1.0
7A	4-nitrophenol	1.0
8A	p-chloro-m-cresol	2.0
9A	pentachlorophenol	1.0
10A	phenol	1.0
11A	2,4,6-trichlorophenol	1.0

Pesticides-EPA Method 608		MDL ug/l (ppb)
1P	aldrin	0.059
2P	alpha-BHC	0.058
3P	beta-BHC	0.043
4P	gamma-BHC	0.048
5P	delta-BHC	0.034
6P	chlordane	0.211
7P	4,4 ' -DDT	0.251
8P	4,4 ' -DDE	0.049
9P	4,4 ' -DDD	0.139
10P	dieldrin	0.082
11P	alpha-endosulfan	0.031
12P	beta-endosulfan	0.036
13P	endosulfan sulfate	0.109
14P	endrin	0.050
15P	endrin aldehyde	0.062
16P	heptachlor	0.029
17P	heptachlor epoxide	0.040

Pesticides-EPA method 608		MDL ug/l (ppb)
18P	PCB-1242	0.289
19P	PCB-1254	0.298
20P	PCB-1221	0.723
21P	PCB-1232	0.387
22P	PCB-1248	0.283
23P	PCB-1260	0.222
24P	PCB-1016	0.494
25P	toxaphene	1.670

Base/Neutral-EPA Method 625		MDL ug/l (ppb)
1B	acenaphthene*	1.0
2B	acenaphthylene*	1.0
3B	anthracene*	1.0
4B	benzidine	4.0
5B	benzo(a)anthracene*	2.0
6B	benzo(a)pyrene*	2.0
7B	3,4-benzofluoranthene*	1.0
8B	benzo(ghi)perylene*	2.0
9B	benzo(k)fluoranthene*	2.0
10B	bis(2-chloroethoxy)methane	2.0
11B	bis(2-chloroethyl)ether	1.0
12B	bis(2-chloroisopropyl)ether	1.0
13B	bis(2-ethylhexyl)phthalate	1.0
14B	4-bromophenyl phenyl ether	1.0
15B	butylbenzyl phthalate	1.0
16B	2-chloronaphthalene	1.0
17B	4-chlorophenyl phenyl ether	1.0
18B	chrysene*	1.0
19B	dibenzo (a,h)anthracene*	2.0
20B	1,2-dichlorobenzene	1.0
21B	1,3-dichlorobenzene	1.0
22B	1,4-dichlorobenzene	1.0
23B	3,3 ' -dichlorobenzidine	2.0
24B	diethyl phthalate	1.0
25B	dimethyl phthalate	1.0
26B	di-n-butyl phthalate	1.0
27B	2,4-dinitrotoluene	2.0
28B	2,6-dinitrotoluene	2.0
29B	di-n-octyl phthalate	1.0
30B	1,2-diphenylhydrazine (as azobenzene)	1.0
31B	fluoranthene*	1.0
32B	fluorene*	1.0
33B	hexachlorobenzene	1.0
34B	hexachlorobutadiene	1.0
35B	hexachlorocyclopentadiene	2.0
36B	hexachloroethane	1.0
37B	indeno(1,2,3-cd)pyrene*	2.0
38B	isophorone	1.0
39B	naphthalene*	1.0
40B	nitrobenzene	1.0
41B	N-nitrosodimethylamine	1.0
42B	N-nitrosodi-n-propylamine	1.0
43B	N-nitrosodiphenylamine	1.0
44B	phenanthrene*	1.0
45B	pyrene*	1.0
46B	1,2,4-trichlorobenzene	1.0

OTHER TOXIC POLLUTANTS

	MDL ug/l (ppb)
Antimony, Total	3.0
Arsenic, Total	1.0
Beryllium, Total	0.2
Cadmium, Total	0.1
Chromium, Total	1.0
Chromium, Hexavalent	20.0
Copper, Total	1.0
Lead, Total	1.0
Mercury, Total	0.001
Nickel, Total	1.0
Selenium, Total	2.0
Silver, Total	0.5
Thallium, Total	1.0
Zinc, Total	5.0
Asbestos	**
Cyanide, Total	10.0
Phenols, Total	50.0
Aluminum, Total	5.0
TCDD	**
MTBE (Methyl Tert Butyl Ether)	1.0

* Polynuclear Aromatic Hydrocarbons
** No Rhode Island Department of Environmental Management (DEM) MDL

NOTE:

The MDL for a given analyte may vary with the type of sample. MDLs which are determined in reagent water may be lower than those determined in wastewater due to fewer matrix interferences. Wastewater is variable in composition and may therefore contain substances (interferents) that could affect MDLs for some analytes of interest. Variability in instrument performance can also lead to inconsistencies in determinations of MDLs.

To help verify the absence of matrix or chemical interference the analyst is required to complete specific quality control procedures. For the metals analyses listed above the analyst must withdraw from the sample two equal aliquots; to one aliquot add a known amount of analyte, and then dilute both to the same volume and analyze. The unspiked aliquot multiplied by the dilution factor should be compared to the original. Agreement of the results within 10% indicates the absence of interference. Comparison of the actual signal from the spiked aliquot to the expected response from the analyte in an aqueous standard should help confirm the finding from the dilution analysis. (Methods for Chemical Analysis of Water and Wastes EPA-600/4-79/020).

For Methods 624 and 625 the laboratory must on an ongoing basis spike at least 5% of the samples from each sample site being monitored. For laboratories analyzing 1 to 20 samples per month, at least one spiked sample per month is required. The spike should be at the discharge permit limit or 1 to 5 times higher than the background concentration determined in Section 8.3.2, whichever concentration would be larger. (40 CFR Part 136 Appendix B Method 624 and 625 subparts 8.3.1 and 8.3.11).

H. MONITORING AND REPORTING

1. Monitoring

All monitoring required by this permit shall be done in accordance with sampling and analytical testing procedures specified in Federal Regulations (40 CFR Part 136).

2. Reporting

Monitoring results obtained during the previous month shall be summarized and reported on Discharge Monitoring Report (DMR) Forms, postmarked no later than the 15th day of the month following the completed reporting period. A copy of the analytical laboratory report, specifying analytical methods used, shall be included with each report submission. Signed copies of these, and all other reports required herein, shall be submitted to:

Annie McFarland
Electronic Computer Operator
Office of Water Resources
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, Rhode Island 02908

PART II
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GENERAL REQUIREMENTS

DEFINITIONS

GENERAL REQUIREMENTS

(a) Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Chapter 46-12 of the Rhode Island General Laws and the Clean Water Act (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(1) The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

(2) The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307 or 308 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment of not more than 1 year, or both.

(3) Chapter 46-12 of the Rhode Island General Laws provides that any person who violates a permit condition is subject to a civil penalty of not more than $5,000 per day of such violation. Any person who willfully or negligently violates a permit condition is subject to a criminal penalty of not more than $10,000 per day of such violation and imprisonment for not more than 30 days, or both. Any person who knowingly makes any false statement in connection with the permit is subject to a criminal penalty of not more than $5,000 for each instance of violation or by imprisonment for not more than 30 days, or both.

(b) Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

(c) Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(e) Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures, and, where applicable, compliance with DEM "Rules and Regulations Pertaining to the Operation and Maintenance of Wastewater Treatment Facilities" and "Rules and Regulations Pertaining to the Disposal and Utilization of Wastewater Treatment Facility Sludge." This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.

(f) Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause, including but not limited to: (1) Violation of any terms or conditions of this permit; (2) Obtaining this permit by misrepresentation or failure to disclose all relevant facts; or (3) A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(g) Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

(h) Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

(i) Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

(1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(2) Have access to and copy, at reasonable times any records that must be kept under the conditions of this permit;

(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

(4) Sample or monitor any substances or parameters at any location, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA or Rhode Island law.

(j) Monitoring and Records

(1) Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the discharge over the sampling and reporting period.

(2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings from continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

(3) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

(4) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 and applicable Rhode Island regulations, unless other test procedures have been specified in this permit.

(5) The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall upon conviction, be punished by a fine of not more than $10,000 per violation or by imprisonment for not more than 6 months per violation or by both. Chapter 46-12 of the Rhode Island General Laws also provides that such acts are subject to a fine of not more than $5,000 per violation, or by imprisonment for not more than 30 days per violation, or by both.

(6) Monitoring results must be reported on a Discharge Monitoring Report (DMR).

(7) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136, applicable State regulations, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(k) Signatory Requirement

All applications, reports, or information submitted to the Director shall be signed and certified in accordance with Rule 12 of the Rhode Island Pollutant Discharge Elimination System (RIPDES) Regulations. Rhode Island General Laws, Chapter 46-12 provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $5,000 per violation, or by imprisonment for not more than 30 days per violation, or by both.

(l) Reporting Requirements

(1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

(2) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with the permit requirements.

(3) Transfers. This permit is not transferable to any person except after written notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under State and Federal law.

(4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(5) Twenty-four hour reporting. The permittee shall immediately report any noncompliance which may endanger health or the environment by calling DEM at (401) 222-4700 or (401) 222-3070 at night.

A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following information must be reported immediately:

(i) Any unanticipated bypass which causes a violation of any effluent limitation in the permit; or

(ii) Any upset which causes a violation of any effluent limitation in the permit; or

(iii) Any violation of a maximum daily discharge limitation for any of the pollutants specifically listed by the Director in the permit.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(6) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (1), (2), and (5), of this section, at the time monitoring reports are submitted. The reports shall contain the information required in paragraph (l)(5) of the section.

(7) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, they shall promptly submit such facts or information.

(m) Bypass

"Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(1) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (2) and (3) of this section.

(2) Notice.

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Rule 14.18 of the RIPDES Regulations.

(3) Prohibition of bypass.

(i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, where "severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph (2) of this section.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (3)(i) of this section.

(n) Upset

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(1) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (2) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(2) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An upset occurred and that the permittee can identify the cause(s) of the upset;

(b) The permitted facility was at the time being properly operated;

(c) The permittee submitted notice of the upset as required in Rule 14.18 of the RIPDES Regulations; and

(d) The permittee complied with any remedial measures required under Rule 14.05 of the RIPDES Regulations.

(3) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

(o) Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. Discharges which cause a violation of water quality standards are prohibited. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different or increased discharges of pollutants must be reported by submission of a new NPDES application at least 180 days prior to commencement of such discharges, or if such changes will not violate the effluent limitations specified in this permit, by notice, in writing, to the Director of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by the permit constitutes a violation.

(p) Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner consistent with applicable Federal and State laws and regulations including, but not limited to the CWA and the Federal Resource Conservation and Recovery Act, 42 U.S.C. §§6901 et seq., Rhode Island General Laws, Chapters 46-12, 23-19.1 and regulations promulgated thereunder.

(q) Power Failures

In order to maintain compliance with the effluent limitation and prohibitions of this permit, the permittee shall either:

> In accordance with the Schedule of Compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities;

or if such alternative power source is not in existence, and no date for its implementation appears in Part I,

> Halt reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

(r) Availability of Reports

Except for data determined to be confidential under paragraph (w) below, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the DEM, 291 Promenade Street, Providence, Rhode Island. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA and under Section 46-12-14 of the Rhode Island General Laws.

(s) State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.

(t) Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, and local laws and regulations.

(u) Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

(v) Reopener Clause

The Director reserves the right to make appropriate revisions to this permit in order to incorporate any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the CWA or State law. In accordance with Rules 15 and 23 of the RIPDES Regulations, if any effluent standard or prohibition, or water quality standard is promulgated under the CWA or under State law which is more stringent than any limitation on the pollutant in the permit, or controls a pollutant not limited in the permit, then the Director may promptly reopen the permit and modify or revoke and reissue the permit to conform to the applicable standard.

(w) Confidentiality of Information

(1) Any information submitted to DEM pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, DEM may make the information available to the pubic without further notice.

(2) Claims of confidentiality for the following information will be denied:

(i) The name and address of any permit applicant or permittee;

(ii) Permit applications, permits and any attachments thereto; and

(iii) NPDES effluent data.

(x) Best Management Practices

The permittee shall adopt Best Management Practices (BMP) to control or abate the discharge of toxic pollutants and hazardous substances associated with or ancillary to the industrial manufacturing or treatment process and the Director may request the submission of a BMP plan where the Director determines that a permittee's practices may contribute significant amounts of such pollutants to waters of the State.

(y) Right of Appeal

Within thirty (30) days of receipt of notice of a final permit decision, the permittee or any interested person may submit a request to the Director for an adjudicatory hearing to reconsider or contest that decision. The request for a hearing must conform to the requirements of Rule 49 of the RIPDES Regulations.

DEFINITIONS

1. For purposes of this permit, those definitions contained in the RIPDES Regulations and the Rhode Island Pretreatment Regulations shall apply.

2. The following abbreviations, when used, are defined below.

cu. M/day or M^3/day	cubic meters per day
mg/l	milligrams per liter
ug/l	micrograms per liter
lbs/day	pounds per day
kg/day	kilograms per day
Temp. °C	temperature in degrees Centigrade
Temp. °F	temperature in degrees Fahrenheit
Turb.	turbidity measured by the Nephelometric Method (NTU)
TNFR or TSS	total nonfilterable residue or total suspended solids
DO	dissolved oxygen
BOD	five-day biochemical oxygen demand unless otherwise specified
TKN	total Kjeldahl nitrogen as nitrogen
Total N	total nitrogen
NH_3-N	ammonia nitrogen as nitrogen
Total P	total phosphorus
COD	chemical oxygen demand
TOC	total organic carbon
Surfactant	surface-active agent
pH	a measure of the hydrogen ion concentration
PCB	polychlorinated biphenyl
CFS	cubic feet per second
MGD	million gallons per day
Oil & Grease	Freon extractable material
Total Coliform	total coliform bacteria
Fecal Coliform	total fecal coliform bacteria
ml/l	milliliter(s) per liter
NO_3-N	nitrate nitrogen as nitrogen
NO_2-N	nitrite nitrogen as nitrogen
NO_3-NO_2	combined nitrate and nitrite nitrogen as nitrogen
Cl_2	total residual chlorine